

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Crime Investigation Department – Representation of Sri K.P.V.Subbaiah, Borrower, Charminar Cooperative Urban Bank for withdrawal of prosecution in Cr.No.3/2002, u/s.409, 420, 120(B) of the Indian Penal Code and Section 5 of Andhra Pradesh Protection of Depositors Financial Establishment Act, 1999 of Crime Investigation Department Police Station which is pending before Hon'ble Metropolitan Sessions Judge Court, Hyderabad vide C.C.No.6/02 – Accepted – Orders – Issued.

LAW (L.A. & J – HOME – COURTS-B) DEPARTMENT

G.O.Rt.No.1713

Dated:15.09.2008
Read the following:

1. Representation of Sri K.P.V.Subbaiah, Borrower, Charminar Cooperative Urban Bank, Hyderabad, Dt:10.01.2008.
2. Govt.Memo.No.1332/Leg.II/A1/2008, Dt:16.01.2008.
3. From the Director General of Police, A.P., Hyderabad, Lr.Rc.No.478/Compts-1/2008, Dt:19.03.2008.
4. Govt.Memo.No.10503/Courts-B2/2008-1, Dt:16.04.2008.
5. From the Addl.Director General of Police, CID, Hyderabad, Lr.C.No.6555/C27/CID/2002, Dt:27.04.2008.

ORDER:

In the reference 1st read above, Sri K.P.V.Subbaiah (A33), Borrower, Charminar Cooperative Urban Bank, has stated that he was a borrower from the Charminar Cooperative Urban Bank Ltd., Hyderabad in four (4) accounts and facilitated to two (2) bank loans. Later, he repaid an amount of Rs.18,61,75,525 (Rupees Eighteen Crores, Sixty One lakhs, Seventy five thousand, five hundred and twenty five only) and cleared all the loan accounts and no amount is due to Bank. The Persons Incharge Committee Meeting held on 27.12.2007 observed that due to settlement of loan accounts and cooperation extended, it was resolved that Sri K.P.V.Subbaiah is free from civil liability, as far as Charminar Cooperative urban Bank Ltd is concerned. Further, it was resolved that it is not interested in pursuing the criminal case against the accused in future and requested to withdraw the same. He has requested to withdraw prosecution in Cr.No.3/2002, u/s.409, 420, 120(B) of the Indian Penal Code, 1860 and Section 5 of Andhra Pradesh Protection of Depositors Financial Establishment Act, 1999 of Crime Investigation Department Police Station, Hyderabad which is pending before Hon'ble Metropolitan Sessions Judge Court, Hyderabad vide C.C.No.6/02.

2) In the references 2nd and 4th read above, the remarks of the Director General of Police, Andhra Pradesh, Hyderabad and the Addl. Director General of Police, Crime Investigation Department, were called for respectively.

3) In the reference 3rd and 5th read above, the Director General of Police, A.P., Hyderabad while enclosing the report of Addl. Director General of Police, Crime Investigation Department, Hyderabad and the opinion of Special Public Prosecutor has not recommended for withdrawal of prosecution against Sri K.P.V.Subbaiah in Cr.No.3/2002 and informed that Sri K.P.V.Subbaiah, the accused No.33, is one of the top borrowers of the Charminar Cooperative Urban Bank Ltd., Hyderabad, who entered into criminal conspiracy with his relatives and employee and figured as Accused 34 to 49 to swindle away the amounts deposited by the depositors in the said Bank. They borrowed an amount of Rs.26.45 Crores, by mortgaging their agricultural lands. The accused did not invest any amount borrowed from the said Bank to develop the business nor did they repay the amounts to the Bank as on the date of filing of Charge Sheet. Further, if the accused (Sri K.P.V.Subbaiah) had paid back the entire loan amount, that absolves the accused only of civil liability and does not necessitate any modifications in the criminal action that is being taken against the said accused.

4) Government after careful examination of the matter, based on the material made available have decided to withdraw prosecution against the accused Sri K.P.V.Subbaiah (A33) borrower of Charminar Cooperative Urban Bank Ltd., Hyderabad, Cr.No.3/2002, u/s.409, 420, 120(B) of the Indian Penal Code, 1860 and Section 5 of Andhra Pradesh Protection of Depositors Financial Establishment Act, 1999 of Crime Investigation Department Police Station which is pending before Hon'ble Metropolitan Sessions Judge Court, Hyderabad vide C.C.No.6/02, as the above

sections are not applicable in his case, since he has paid the entire amount as per One Time Settlement Scheme (OTS) and as evidenced by the letter of Managing Director of Charminar Cooperative Urban Bank Ltd. dated 31.12.2007 addressed to the Principal Secretary to Government, Agricultural and Cooperative Department, the Bank is not interested in pursuing the criminal case against the accused as the amounts due to the Bank have already been paid.

5) The Collector and District Magistrate, Hyderabad District is, therefore, directed to instruct the Assistant Public Prosecutor concerned to file a petition under section 321 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) for withdrawal of prosecution against the accused mentioned in para (4) above in Cr.No.3/2002, u/s.409, 420, 120(B) of the Indian Penal Code, 1860 and Section 5 of Andhra Pradesh Protection of Depositors Financial Establishment Act, 1999 of Crime Investigation Department Police Station, which is pending before Hon'ble Metropolitan Sessions Judge Court, Hyderabad vide C.C.No.6/02, under intimation to Government.

6) Copy of the order is available on Internet etc.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.MADAN MOHAN REDDY,
SECRETARY TO GOVERNMENT
LEGISLATIVE AFFAIRS & JUSTICE

To

The Collector & District Magistrate, Hyderabad

The Director General of Police, A.P., Hyderabad.

The Addl. Director General of Police, CID, Hyderabad.

The Assistant Public Prosecutor concerned (thro' Collector concerned)

Copy to:

The Law (E) Department

The P.S. to Secretary (L.A. & J) Dept.,

Sf/Sc.

// FORWARDED :: BY ORDER //

Section Officer